

REMARKS

As a preliminary matter, Applicants request that this Restriction Requirement be withdrawn. In particular, the Office Action asserts that the device claims and the method claims are distinct, and therefore properly restricted, because (quoting MPEP 806.05(f)) "the product as claimed can be made by another and materially different process." To this end, the Office Action asserts that the implant can be formed by "simultaneously forming the implant substrate layer and carbon-coating layer in an extrusion process rather than the two step process as recited in claim 19."

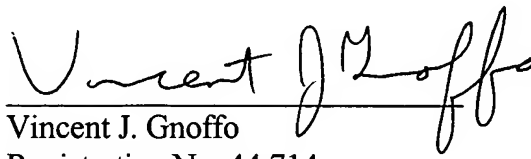
To the best of Applicants knowledge, there is no way that one could form the implant through an extrusion process as asserted by the Office Action. Applicants request that the Office Action produce some evidence that a diamond-like carbon film, as presently claimed, can be formed through an extrusion process. As noted in the instant specification at paragraph 19, diamond-like carbon films as claimed are typically formed through one of a variety of different vapor deposition processes. This understanding is further reflected in the general state of the art as represented, for example, by the disclosure found in "Status and Application of Diamonds and Diamond-Like Materials: An Emerging Technology" (1990) (the "Diamond-Like Materials Reference"), previously cited to the Examiner, in which it is stated on page 11: "The diamond-like materials are made by energetically assisted deposition processes--for example, rf plasmas--by direct deposition from low-energy . . . ion beams or by condensation from plasma arcs." Applicant is unaware of any prior art reference teaching or suggesting the formation of diamond-like carbon films through the use of an extrusion process. Indeed, the inapplicability of an extrusion process to diamond-like materials intuitively makes sense when one considers that the extraordinary hardness of diamond-like materials (as shown in Table 1-2 of the Diamond-Like Materials Reference) approaches that of natural diamonds--it would be virtually impossible to extrude such a hard material.

In light of this traversal, the Office Action should, in accordance with MPEP 806.05(f), either provide documentation demonstrating the possibility of extruding a diamond-like carbon film or withdraw the Restriction Requirement.

If the Restriction Requirement is not withdrawn, Applicants elect, with traverse, Group I: Claims 1-18, and hereby cancel claims 19-27, without prejudice.

Applicants believe that the application is in a condition for allowance. If Applicants may assist in expediting examination of the instant application in any way, Examiner is encouraged to contact Applicant's representative at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vincent J. Gnoffo", written over a horizontal line.

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